I proudly affirm the resolution, Resolved: The United States ought to prioritize the pursuit of national security objectives above the digital privacy of its citizens.

Before I begin, I present two observations:

Observation 1: Privacy, as a theory, does not truly exist. If we were to define privacy as dictionary.com does, namely, “the state of being free from intrusion or disturbance in one’s private life or affairs,” we can see that privacy can in no way exist because it’s impossible to prevent everyone from disturbance in one’s personal affairs. Every digital action taken is recorded somewhere because every action taken is interacting with another digital entity, so even the apparent privacy of technology use is just a façade. *http://www.nbcnews.com/tech/security/perfect-privacy-internet-communication-doesnt-exist-f6C10962853*

Observation 2: Security is a prerequisite for privacy so even if privacy is valuable governments can only meaningfully protect it by prioritizing national security.

**The San Diego Law Review in June of 2013 writes**, Himma, Kenneth. “Privacy Versus Security: Why Privacy is Not an Absolute Value or Right”. Seattle Pacific University. 7 June 2013. Web. 8 May 2014. <http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=994458 >.

The last argument I wish to make in this essay will be brief because it is extremely well known and has been made in a variety of academic and nonacademic contexts. The basic point here is that **no right not involving security can be meaningfully exercised in the absence of** efficacious protection of **security**. The right to property means nothing if the law fails to protect against threats to life and bodily security. Likewise, the **right to privacy has little value if one feels constrained** to remain in one’s home **because** it is so unsafe to venture away that **one significantly risks death** or grievous bodily injury. This is not merely a matter of describing common subjective preferences; this is rather an objective fact about privacy and security interests. **If security interests are not adequately protected, citizens will** simply **not have much by way of privacy interests to protect.** While it is true, of course, that people have privacy interests in what goes on inside the confines of their home, they also have legitimate **privacy** **interests** in a variety of public contexts that **cannot be meaningfully exercised** if one is afraid to venture out into those contexts **because of significant threats to individual and collective security**—such as would be the case if terrorist attacks became highly probable in those contexts. It is true, of course, that to say that *X* is a prerequisite for exercising a particular right *Y* does not obviously entail that *X* is morally more important than *Y,* but this is a reasonable conclusion to draw. **If it is true that *Y* is meaningless in the absence of *X,* then it seems clear that *X* deserves, as a moral matter, more** stringent **protection than *Y* does. Since privacy interests lack significance in the absence of** adequate protection of **security** interests, it seems reasonable to infer that **security interests deserve, as a moral matter, more** stringent **protection than privacy interests.**

I value Morality because it dictates what we ought to do. By proving the prioritization of national security over the digital privacy of US citizens is moral, the resolution is true.

And, because only the government has the authority in dealings with national security and the protection of digital privacy, we must look at what the US government ought to do.

My value criterion is the adherence to the social contract made between the United States government and its citizens. These citizens forfeit some rights in return for the security provided by the government. This criterion can be further explored with the following points:

First, the State of Nature, in which exists no government and no limit on rights, is one of immense suffering and chaos. As a result, humans act to resist the State of Nature; they act to resolve with peace.

**Thomas Hobbes, 17th century philosopher, writes,** Hobbes, Thomas. "Part I & II." Leviathan or The Matter, Forme and Power of a Common Wealth Ecclesiasticall and Civil. Eugene: U of Oregon, 1999. <http://darkwing.uoregon.edu/~rbear/hobbes/leviathan.html>

**The right of nature**, which writers commonly call jus naturale, **is the liberty each man hath to use his own power as he will** himself for the preservation of his own nature; that is to say, of his own life; **and consequently**, **of doing anything which, in his own judgement and reason**, **he** shall **conceive to be [apt]** the aptest means thereunto.

 By liberty is understood, according to the proper signification of the word, the absence of external impediments; which impediments may oft take away part of a man's power to do what he would, but cannot hinder him from using the power left him according as his judgement and reason shall dictate to him.

A law of nature, lex naturalis, is a precept, or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or taketh away the means of preserving the same, and to omit that by which he thinketh it may be best preserved. For though they that speak of this subject use to confound jus and lex, right and law, yet they ought to be distinguished, because right consisteth in liberty to do, or to forbear; whereas law determineth and bindeth to one of them: so that law and right differ as much as obligation and liberty, which in one and the same matter are inconsistent.

**And because the condition of man** (as hath been declared in the precedent chapter) **is a condition of war of every one against every one, in which case every one is governed by his own reason**, and **there is nothing** he can make use of **that may** not be a **help** unto **him in preserving his life against his enemies;** it followeth that **[because] in such a condition every man has a right to every thing**, even to one another's body. **And therefore, as long as this natural right** of every man to every thing **[endures]** endureth, **there can be no security** to any man, how strong or wise soever he be, of living out the time which nature ordinarily alloweth men to live. And consequently it is a precept, or general rule of reason: that every man ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all helps and advantages of war. The first branch of which rule containeth the first and fundamental law of nature, which is: to seek peace and follow it. The second, the sum of the right of nature, which is: by all means we can to defend ourselves.

When a group of people submit some of their rights to one person or assembly of persons in an attempt for peace, that created institution exists solely for the purpose of securing that peace for its citizens.

**Thomas Hobbes, once again, furthers,** Hobbes, Thomas. "Part I & II." Leviathan or The Matter, Forme and Power of a Common Wealth Ecclesiasticall and Civil. Eugene: U of Oregon, 1999. <http://darkwing.uoregon.edu/~rbear/hobbes/leviathan.html>

**The only way to erect** such **a common power**, as may be **able to** defend them from the invasion of foreigners, and the injuries of one another, and thereby to **secure them** in **such** sort **as** that by their own industry and by the fruits of the earth **they may nourish themselves and live contentedly, is to confer** all their **power** and strength **upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will**: which is as much as to say, to appoint one man, or assembly of men, to bear their person; and every one to own and acknowledge himself to be [the] author of whatsoever he that so beareth their person shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, every one to his will, and their judgements to his judgement. This is more than consent, or concord; it is a real unity of them all in one and the same person, made by covenant of every man with every man, in such manner as if every man should say to every man: I authorise and give up my right of governing myself to this man, or to this assembly of men, on this condition; that [you] thou give up, [your] thy right to him, and authorise all his actions in like manner. This done, the multitude so united in one person is called a COMMONWEALTH; in Latin, CIVITAS. This is the generation of that great LEVIATHAN, or rather, to speak more reverently, of that mortal god to which we owe, under the immortal God, our peace and defence. For by this authority, given him by every particular man in the Commonwealth, he hath the use of so much power and strength conferred on him that, by terror thereof, he is enabled to form the wills of them all, to peace at home, and mutual aid against their enemies abroad. And in him consisteth the essence of the Commonwealth; which, to define it, is: one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all as he shall think expedient for their peace and common defence.

And he that carryeth **this** person **is** called **sovereign[ty]**, and said to have sovereign power; and every one besides, his subject.

The attaining to this sovereign power is by two ways. One, by natural force: as when a man maketh his children to submit themselves, and their children, to his government, as being able to destroy them if they refuse; or by war subdueth his enemies to his will, giving them their lives on that condition. The other, is when men **agree[ment] amongst themselves to submit** to some man, or assembly of men, **voluntarily, on confidence to be protected** by him **against all others.** This latter may be called a political Commonwealth, or Commonwealth by Institution; and the former, a Commonwealth by acquisition. And first, I shall speak of a Commonwealth by institution.

Contention 1: National security is a common good whereas digital privacy is an individual concern, so the government must always prioritize national security over digital privacy.

**Kenneth Himma from Seattle Pacific University in June of 2013 writes,** Himma, Kenneth. “Privacy Versus Security: Why Privacy is Not an Absolute Value or Right”. Seattle Pacific University. 7 June 2013. Web. 8 May 2014. <http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=994458 >.

Even at this high level of generality, it is easy to see that a commutarian agenda that values a common good independent of the aggregation of individual goods, constituted by opportunities for satisfied autonomous preferences, [it] will entail the position that **security**, construed as a collective notion like a social order in which serious crime and violence is uncommon—rather than as an aggregation of individual rights to life, property, et cetera—**is a more important moral value**, other things being equal, **than privacy**. If **preserving the social values associated with community, or common good, is more important than individual rights**, then it follows that security, properly construed, is more important than privacy in the sense that **threats to security are more important from the standpoint of morality** and deserve more legal protection **than** “comparable” **threats to privacy, which is an interest** that is **unique to individuals** and which reflects the individualism of neoliberal traditions. Again, this should not be thought to entail any sort of easy algorithm for deciding how to deal with apparent conflicts between security or privacy or any claim to the effect that any gain in security, no matter how small, justifies any sacrifice of privacy, no matter how large; the claim that security trumps privacy is compatible with a calculus of weighing competing privacy and security interests that is extremely complex and sometimes favors protecting privacy concerns over security interests if the former are substantial enough, and the latter trivial enough, or if there is simply not enough of a causal connection between the restrictions on privacy and some meaningfully large gain in security. The notion of **security** includes individual rights to life and physical and financial security, but it **is** also **a collective notion that includes the idea that social order and the preservation of community is a value protected by security** that is **independent** and not merely aggregative **of individual security rights**—a component, that is, of a common good not constituted by the aggregation of individual goods of all persons in the social group. If this notion of a common good applies to all societies—and methodological commutarians need not take this position insofar as they merely reject the universal application of the liberal conception of self and value— then it follows that security will, as I vaguely put it, trump privacy, and that privacy is not an absolute value because informational privacy is an individual interest, whereas security is an interest expressive of the common good.

Contention 2: Adherence to the social contract theory mandates that the resolution be true.

**Kenneth Himma, again, writes,** Himma, Kenneth. “Privacy Versus Security: Why Privacy is Not an Absolute Value or Right”. Seattle Pacific University. 7 June 2013. Web. 8 May 2014. <http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=994458 >.

It is clear that **the primary motivation in the state of nature for submitting to a** coercive **state authority is** to escape the extreme unpleasantness associated with **life** in that state. One’s physical security is always in danger in the state of nature; **one’s life is always in danger**—whether directly or indirectly. One must, most obviously, be on guard against threats of deadly physical violence; the price of failure to be sufficiently vigilant will frequently be grievous bodily injury or death. Less obviously, one must guard against having one’s few possessions taken by other persons. Indeed, while Hobbes was pretty explicit that **the** very **point of submitting to the sovereign was to gain** some measure of physical **security by giving up** the unlimited **freedom one has in the state** of nature, Locke believed that the very point of the state authority is to protect property. Although it may therefore seem that Locke and Hobbes disagree about the basic value that people submit to authority to achieve, the appearance is misleading. Locke presumably believes that in the state of nature the principal threat to security consists in the threat of having one’s few possessions taken, assuming that the extreme scarcity of the state of nature presents the primary threat to security against which people have to guard.